

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-7792

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

OMAR YUSUF DESANGES,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of Virginia, at Harrisonburg. Samuel G. Wilson, District Judge. (CR-95-46)

Submitted: February 24, 2005

Decided: March 8, 2005

Before NIEMEYER, WILLIAMS, and KING, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Omar Yusuf Desanges, Appellant Pro Se. Thomas Jack Bondurant, Jr., Assistant United States Attorney, Roanoke, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Omar Yusuf Desanges ("Desanges") filed a notice of appeal seeking a review of his 1996 sentence pursuant to 18 U.S.C. § 3742 (2000). However, this statute is unavailable to Desanges, whose conviction we previously affirmed on direct appeal. See United States v. Desanges, No. 96-4561, 1998 WL 27149 (4th Cir. Jan. 27, 1998) (unpublished). Although § 3742 provides that a defendant may directly appeal his sentence, the statute provides no mechanism through which he or she may reopen a direct appeal. Accordingly, we dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED